

Notice of Allowability

Application No.

09/544,142

Examiner

Joseph D. Anthony

Applicant(s)

TSILEVICH, MAOZ BETZER

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 01/20/04.
2. ☒ The allowed claim(s) is/are 13-15, 17-25 [renumbered as 1-3, 10-12, 4-9].
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 12/04/03.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Joseph D. Anthony
Primary Examiner
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REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The present application is an RCE filed 01/20/04. The examiner as reviewed all of the references listed on applicant's Information Disclosure Statements. None of these references are deemed to anticipate or render obvious applicant's claims. A few brief comments on some relevant prior-art references are set forth below.

1) The English language Abstract of DE 2451792 A teaches fire-resistant materials based on aluminum sulphate hydrate. The process involves dissolving bauxite in sulfuric acid at an elevated temperature and pouring the resulting hot hydrate melt onto a web of fleece containing inorganic or organic fibers. DE patentable differs from applicant's claimed invention in the critical aspect that there is no disclosure of any kind to adding and **mixing** an inorganic and organic filler material with the liquefied bauxite.

2) The English language Abstract of DE 3142096 A1 teaches fire-retarding insulating material and process of making thereof. These materials are made by impregnating porous granular materials with melts of inorganic salt hydrates and Portland cement. DE patentable differs from applicant's claimed invention in the critical aspect that there is no disclosure of any kind to adding and **mixing** an organic filler material with the liquefied inorganic salt hydrate/Portland cement

mixture and cooling the mixture to form a composition wherein the hydrate salt particles are fused to each other.

3) Yamaji U.S. Patent Number 4,338,098 teaches solid heat-generating compositions comprising A) calcium oxide, B) a solid inorganic substance having water of absorption, adsorption or crystallization, or an organic compound which yields water by intramolecular or intermolecular reaction at elevated temperature, and optionally an inert filler that may be inorganic or organic such as microcrystalline cellulose, see abstract, and column 7, line 54 to column 8, line 43. Yamaji patentable differs from applicant's claimed invention in that all three components are combined with each other in a solid powdery form wherein they react at ambient temperature to generate heat, see columns 9-14. There is thus no disclosure to first heating a hydrate salt to liquefy it and then subsequently adding and mixing inorganic and organic fillers to this liquefied hydrated salt.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

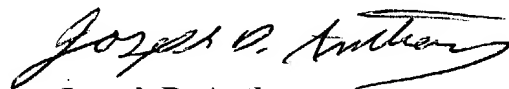
Prior-Art Cited But Not Applied

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2. Any prior-art reference which is cited on FORM PTO-892 but not applied, is cited only to show the general state of the prior-art at the time of applicant's invention.

Examiner Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (703) 872-9306. All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.



Joseph D. Anthony
Primary Patent Examiner
Art Unit 1714

5/7/04